
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Paul Coughlin)	File No.: EB-FIELDSCR-14-00016454
)	
Owner of Vessel "Tabatinga")	NOV No.: V201432600013
Marco Island, Florida)	
)	

NOTICE OF VIOLATION

Released: July 18, 2014

By the Resident Agent, Miami Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Paul Coughlin, owner of the vessel "Tabatinga" located in Marco Island, Florida. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On July 13, 2014, agents of the Enforcement Bureau's Miami Office responded to a complaint of interference from the United States Coast Guard (USCG) in Marco Island, Florida, regarding a continuous unmodulated carrier transmitting on VHF Marine Channel 16, the international radiotelephone distress, urgency, safety, and calling frequency used by the USCG. Using radio direction finding techniques, the Miami agents traced the interfering signal to a faulty VHF Marine radio installed and operated on the vessel "Tabatinga", which was docked at Moran's Barge Marina located in Marco Island, Florida. This continuous transmission was in violation of the following:

47 C.F.R. § 80.89(d): "Stations must not when using telephony, transmit signals or communications not addressed to a particular station or stations" The VHF marine radio installed on the vessel "Tabatinga" was transmitting a continuous signal with no audio on Marine Channel 16. Mr. Coughlin was notified that his marine radio was faulty and caused interference to Marine Channel 16.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Mr. Coughlin must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ 47 U.S.C. § 403.

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to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Mr. Coughlin to support his response to this Notice with an affidavit or declaration signed and dated under penalty of perjury, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in his possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Miami Office
P.O. Box 520617
Miami, FL 33152-0617

6. This Notice shall be sent to Paul Coughlin at his address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Michael Mattern
Resident Agent
Miami Office
South Central Region
Enforcement Bureau

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).